

FILED
TARRANT COUNTY
7/13/2022 10:50 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 017-334603-22

WILLIAM HARTFIELD,
Plaintiff,

vs.

WALMART, INC.,
Defendant.

§
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§
§
§
§
§

IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff WILLIAM HARTFIELD, complaining of Defendant WALMART, INC., and for cause of action would respectfully show the Court the following:

I.
DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 2, pursuant to Texas Rule of Civil Procedure 190.3.

II.
CLAIMS FOR RELIEF

Pursuant to Texas Rule of Civil Procedure 47, the damages sought by Plaintiff are within the jurisdictional limits of the Court. The Plaintiff seeks monetary relief of over \$250,000.00 but not more than \$1,000,000.00. The amount of money awarded, however, will ultimately be determined by the Jury. The Plaintiff also seeks prejudgment and post-judgment interest at the highest legal rate, and all other relief, both at law and in equity, to which Plaintiff may be justly entitled.

**III.
PARTIES**

William Hartfield (“Plaintiff”) is a resident of Frisco, Denton County, Texas. He may be contacted by and through his counsel of record.

Walmart, Inc. (“Defendant”) is a Delaware corporation doing business in the State of Texas, and may be served with process by serving its registered agent, CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

**IV.
JURISDICTION AND VENUE**

The Court has subject matter jurisdiction over the controversy because the damages are within the jurisdictional limits of the Court.

In addition, this Court is the proper venue for this action, pursuant to Texas Civil Practice & Remedies Code § 15.002, because the incident complained of herein occurred in Tarrant County, Texas.

**V.
FACTUAL BACKGROUND**

On February 1, 2021, Plaintiff William Hartfield went to the Walmart store located at 2401 Avondale Haslet Road in Haslet, Tarrant County, Texas to do some shopping. While inside the store, Plaintiff slipped and fell on some liquid or other substance that was left on the floor, unattended, in the main aisle of the store. There were no signs posted near the area where Plaintiff fell to warn him of the danger created by the foreign substance on the floor. In the fall, Plaintiff sustained serious injuries.

**VI.
CAUSES OF ACTION**

A. NEGLIGENCE

At the time of the incident in question, Plaintiff was a business invitee on Defendant's premises. As such, Defendant owed Plaintiff a duty to exercise reasonable care to make the premises safe, and/or to warn her against any unreasonably unsafe conditions of which Defendant was aware, or of which it should reasonably have been aware.

The liquid substance on the floor of the store in question constituted an unreasonably unsafe condition, of which Defendant was aware, or in the exercise of ordinary care, should have been aware. Defendant failed to correct the unsafe condition before the subject incident, and failed to warn Plaintiff of the danger posed by the foreign substance on the floor. Such constituted negligence.

The Plaintiff will show this Honorable Court and Jury that:

1. The Defendant had actual or constructive notice of the condition that caused Plaintiff's injury;
2. That said condition posed an unreasonable risk of harm;
3. The Defendant failed to take reasonable steps or use reasonable care to reduce or eliminate the risk;
4. The Defendant failed to warn Plaintiff of the danger created by said condition; and
5. The Defendant's failures as cited above were the direct and proximate cause of Plaintiff's injuries and related damages.

Each of the above and foregoing acts and omissions, whether taken singularly and/or in combination with each other, constituted negligence that was the direct and proximate cause of the incident in question, and the injuries and damages suffered by Plaintiff.

B. PREMISES LIABILITY

Defendant was the owner of the Subject Store at the time Plaintiff was injured.

Plaintiff entered Defendant's premises with Defendant's knowledge and for their mutual benefit. Specifically, Plaintiff visited the premises as a business invitee for the mutual benefit of Plaintiff and Defendant.

A condition on Defendant's premises—the liquid substance on the floor—posed an unreasonable risk of harm.

Defendant and/or its contracted agents knew or reasonably should have known of the condition of the premises because it had actual or implied notice of the food on the floor and that it posed a condition substantially more dangerous than Plaintiff, a business invitee, could have reasonably anticipated by reason of knowledge of the conditions generally prevailing in the area and the Subject Store.

**VII.
DAMAGES**

As a direct and proximate result of Defendant's negligence as stated above, Plaintiff has suffered serious injuries. He has also incurred other damages which are the result of his injury, which are cited below in the prayer for relief.

**VIII.
JURY TRIAL REQUESTED**

The Plaintiff hereby respectfully requests and demands a trial by Jury, and Plaintiff tenders the appropriate Jury Fee with the filing of this Original Petition.

IX.
U.S. LIFE TABLES

Notice is hereby given to Defendant that Plaintiff intends to use the U.S. Life Tables, as prepared by the Department of Health and Human Services, in the prosecution and trial of this case.

X.
RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Plaintiff William Hartfield respectfully prays that Defendant Walmart, Inc., be cited to appear and answer herein, and that upon final trial hereof, Plaintiff be awarded Judgement against Defendant for the following:

1. Plaintiff's past medical expenses;
2. Plaintiff's' future medical expenses;
3. Plaintiff's past physical pain & suffering;
4. Plaintiff's' future physical pain & suffering;
5. Plaintiff's past physical impairment;
6. Plaintiff's future physical impairment;
7. Plaintiff's past mental anguish;
8. Plaintiff's future mental anguish;
9. Plaintiff's past loss of earning capacity;
10. Plaintiff's future loss of earning capacity;
11. Prejudgment interest on Plaintiff's damages, at the maximum rate allowed by law;
12. Post-judgment interest on Plaintiff's damages, at the maximum rate allowed by law;
13. All costs of court; and

14. For such other and further relief to which Plaintiff may show himself justly entitled,
both at law and in equity.

Respectfully submitted,

/s/ Richard R. Hyde, Jr.

Richard R. Hyde, Jr.

Texas Bar Number 24101949

THE LEDGER LAW FIRM

420 Throckmorton Street, Ste. 200

Fort Worth, Texas 76102

Telephone: (214) 444-7788

Facsimile: (214) 444-7788

Service Email: Texas@ledgerlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Christina Wies on behalf of Richard Hyde
Bar No. 24101949
christina@ledgerlaw.com
Envelope ID: 66269982
Status as of 7/13/2022 11:41 AM CST

Associated Case Party: William Hartfield

Name	BarNumber	Email	TimestampSubmitted	Status
Christina Wies		christina@ledgerlaw.com	7/13/2022 10:50:17 AM	SENT
Richard Hyde		texas@ledgerlaw.com	7/13/2022 10:50:17 AM	SENT

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-334603-22

WILLIAM HARTFIELD
VS.
WAL-MART, INC.

TO: WALMART INC

B/S REG AGT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-3136

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

WILLIAM HARTFIELD

Filed in said Court on July 13th, 2022 Against
WALMART INC

For suit, said suit being numbered 017-334603-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

RICHARD R HYDE, JR
Attorney for WILLIAM HARTFIELD Phone No. (214)444-7788
Address 420 THROCKMORTON ST STE 200 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 1st day of August, 2022.

By Natalie Thigpen Deputy
NATALIE THIGPEN

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *01733460322000004*

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

CITATION

Cause No. 017-334603-22

WILLIAM HARTFIELD

VS.

WAL-MART, INC.

ISSUED

This 1st day of August, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

RICHARD R HYDE, JR
Attorney for: WILLIAM HARTFIELD
Phone No. (214)444-7788
ADDRESS: 420 THROCKMORTON ST STE 200

FORT WORTH, TX 76102

CIVIL LAW



01733460322000004
SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK
ORIGINAL



THE LEDGER LAW FIRM
A PROFESSIONAL LAW CORPORATION

RICH HYDE

TRIAL ATTORNEY

D: (214) 444-7788

F: (214) 444-7788

E: RICH@LEDGERLAW.COM

July 29, 2022

017-334603-22

FILED
TARRANT COUNTY
7/29/2022 9:51 AM
THOMAS A. WILDER
DISTRICT CLERK

Via Electronic Filing
Tarrant County District Clerk
100 North Calhoun Street, 2nd Floor
Fort Worth, Texas 76196

**Re: William Hartfield vs. Wal-Mart, Inc.; Cause No. 017-334603-22 in the 17th
Judicial District Court, Tarrant County, Texas**

To Whom It May Concern:

Please issue a citation to Defendant Wal-Mart, Inc. and email it to my paralegal Christina Wies at christina@ledgerlaw.com.

Should you have any questions, please do not hesitate to contact my office.

For the Firm,

Rich Hyde
Trial Attorney

Automated Certificate of eService

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Christina Wies on behalf of Richard Hyde

Bar No. 24101949

christina@ledgerlaw.com

Envelope ID: 66792026

Status as of 7/29/2022 9:55 AM CST

Associated Case Party: WILLIAMHARTFIELD

Name	BarNumber	Email	TimestampSubmitted	Status
Richard Hyde		texas@ledgerlaw.com	7/29/2022 9:51:26 AM	SENT

Court Stamp Here

FILED
TARRANT COUNTY
8/4/2022 8:56 AM
THOMAS A. WILDER
DISTRICT CLERK

RETURN OF SERVICE

Notice: This document contains sensitive data

Court	District Court 17th Judicial District Tarrant County, Texas	
Plaintiff	WILLIAM HARTFIELD	Cause # 017-334603-22
Defendant(s)	WALMART INC	Came to Hand Date/Time 8/02/2022 5:26 AM
Manner of Service	Personal	Service Date/Time 8/02/2022 10:18 AM
Documents	PETITION; CITATION	Service Fee: \$81.50

I am certified under order of the Judicial Branch Certification Commission to serve process, including citations in Texas. I am not a party to or interested in the outcome of this lawsuit. My information: identification number, birth date, address, and certification expiration date appear below. I received and delivered the Specified Documents to Defendant as stated herein.

On 8/02/2022 at 10:18 AM: I served PETITION and CITATION upon WalMart, Inc. by delivering 1 true and correct copy (ies) thereof, with WalMart, Inc., I delivered the documents to Ct Corporation who indicated they were the person authorized to accept with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired black female contact 25-35 years of age, 5'4"-5'6" tall and weighing 140-160 lbs. Tierica Williams accepted the documents at 1999 Bryan Street, Suite 900, DALLAS, TX 75201.

My name is: Laitalain Walker. My date of birth is: 4/04/1979

My address is: 1080 Manacor Ln, Dallas, TX 75212, USA.

My process server identification # is: PSC-10832. My Certification expires: 3/31/2024.

Per U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Declaration executed in Dallas county, TX.


Laitalain Walker

08/02/2022

Date Executed

Ref MAT-2102158788 William Hartfield



0090532206

txefile@abclegal.com



The Ledger Law Firm

Tracking # 0090569024



THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-334603-22

WILLIAM HARTFIELD
VS.
WAL-MART, INC.

TO: WALMART INC

B/S REG AGT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-3136

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WILLIAM HARTFIELD

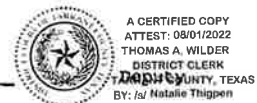
Filed in said Court on July 13th, 2022 Against
WALMART INC

For suit, said suit being numbered 017-334603-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

RICHARD R HYDE, JR
Attorney for WILLIAM HARTFIELD Phone No. (214)444-7788
Address 420 THROCKMORTON ST STE 200 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 1st day of August, 2022.

By Natalie Thigpen
NATALIE THIGPEN



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OFFICER'S RETURN *01733460322000004*

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Authorized Person/Constable/Sheriff: _____
County of _____ State of _____ By _____ Deputy

Fees \$ _____
State of _____ County of _____ (Must be verified if served outside the State of Texas)
Signed and sworn to by the said _____ before me this _____ day of _____, _____
to certify which witness my hand and seal of office
(Seal)

County of _____, State of _____

CITATION

Cause No. 017-334603-22

WILLIAM HARTFIELD

VS.

WAL-MART, INC.

ISSUED

This 1st day of August, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

RICHARD R HYDE, JR
Attorney for: WILLIAM HARTFIELD
Phone No. (214)444-7788
ADDRESS: 420 THROCKMORTON ST STE 200
FORT WORTH, TX 76102

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A CERTIFIED COPY
ATTEST: 08/01/2022
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

Automated Certificate of eService

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Christina Wies on behalf of Richard Hyde

Bar No. 24101949

christina@ledgerlaw.com

Envelope ID: 66955414

Status as of 8/4/2022 9:03 AM CST

Associated Case Party: WILLIAMHARTFIELD

Name	BarNumber	Email	TimestampSubmitted	Status
Richard Hyde		texas@ledgerlaw.com	8/4/2022 8:56:25 AM	SENT

Court Stamp Here

FILED
TARRANT COUNTY
8/4/2022 8:56 AM
THOMAS A. WILDER
DISTRICT CLERK

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Laitalain Walker

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Date Executed

Ref MAT-2102158788 William Hartfield



0090532206

txefile@abclegal.com



abclegal The Ledger Law Firm

Tracking # 0090569024



THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-334603-22

WILLIAM HARTFIELD
VS.
WAL-MART, INC.

TO: WALMART INC

B/S REG AGT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-3136

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WILLIAM HARTFIELD

Filed in said Court on July 13th, 2022 Against
WALMART INC

For suit, said suit being numbered 017-334603-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

RICHARD R HYDE, JR
Attorney for WILLIAM HARTFIELD Phone No. (214)444-7788
Address 420 THROCKMORTON ST STE 200 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 1st day of August, 2022.

By

Natalie Thigpen

NATALIE THIGPEN



A CERTIFIED COPY
ATTEST: 08/01/2022
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Natalie Thigpen

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OFFICER'S RETURN *01733460322000004*

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Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said _____ before me this _____ day of _____, _____

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

CITATION

Cause No. 017-334603-22

WILLIAM HARTFIELD

VS.

WAL-MART, INC.

ISSUED

This 1st day of August, 2022

Thomas A. Wilder
Tarrant County District Clerk
100 N CALHOUN
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

RICHARD R HYDE, JR
Attorney for: WILLIAM HARTFIELD
Phone No. (214)444-7788
ADDRESS: 420 THROCKMORTON ST STE 200

FORT WORTH, TX 76102

CIVIL LAW



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THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
By: /s/ Natalie Thigpen

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Christina Wies on behalf of Richard Hyde

Bar No. 24101949

christina@ledgerlaw.com

Envelope ID: 66955414

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DISTRICT CLERK

CAUSE NO. 017-334603-22

WILLIAM HARTFIELD	§	IN THE DISTRICT COURT
	§	
VS.	§	TARRANT COUNTY, TEXAS
	§	
WALMART, INC.	§	17TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Walmart, Inc., Defendant in the above-referenced cause, and files this its Original Answer and respectfully shows the Court the following:

I.
GENERAL DENIAL

Defendant generally denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof by preponderance of the credible evidence.

II.
RULE 193.7 NOTICE

Pursuant to Texas Rules of Civil Procedure 193.7, Defendant provides notice that it intends to use Plaintiff's production of all documents, tangible things and discovery items produced in response to discovery in any pre-trial proceeding or at trial.

III.
JURY DEMAND

Defendant further demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by this suit, that Defendant recover its costs, and for such other and further relief to which Defendant may be justly entitled at law or in equity.

Respectfully submitted,

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
(214) 220-5210
(214) 220-5299 (Fax)

By: /s/ Stacy Hoffman Bruce

STACY HOFFMAN BRUCE

Texas Bar No. 24036793

sbruce@cobbmartinez.com

JOSHUA VILLARREAL

Texas Bar No. 24125871

jvillarreal@cobbmartinez.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to the following counsel of record either by telefax, certified mail, return receipt requested, e-mail and/or regular U.S. mail on this 29th day of August, 2022.

Richard R. Hyde, Jr.
The Ledger Law Firm
420 Throckmorton Street, Suite 200
Fort Worth, TX 76102

/s/ Stacy Hoffman Bruce

STACY HOFFMAN BRUCE

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Missy Ramirez on behalf of Stacy Bruce

Bar No. 24036793

mramirez@cobbmartinez.com

Envelope ID: 67736536

Status as of 8/29/2022 9:00 AM CST

Associated Case Party: WILLIAMHARTFIELD

Name	BarNumber	Email	TimestampSubmitted	Status
Richard Hyde		texas@ledgerlaw.com	8/29/2022 8:56:57 AM	SENT
Christina Wies		christina@ledgerlaw.com	8/29/2022 8:56:57 AM	SENT

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Missy Ramirez on behalf of Stacy Bruce

Bar No. 24036793

mramirez@cobbmartinez.com

Envelope ID: 67736536

Status as of 8/29/2022 9:00 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Chaunte Busby		cbusby@cobbmartinez.com	8/29/2022 8:56:57 AM	SENT
Josh Villarreal		jvillarreal@cobbmartinez.com	8/29/2022 8:56:57 AM	SENT
Missy Ramirez		mramirez@cobbmartinez.com	8/29/2022 8:56:57 AM	SENT
Stacy H. Bruce		sbruce@cobbmartinez.com	8/29/2022 8:56:57 AM	SENT



CAUSE NO. 017-334603-22

WILLIAM HARTFIELD	§	IN THE DISTRICT COURT
	§	
VS.	§	TARRANT COUNTY, TEXAS
	§	
WAL-MART, INC.	§	17 TH JUDICIAL DISTRICT

ORDER SETTING TRIAL


The Court hereby enters the following trial setting and other pretrial deadlines. All deadlines not contained in this Order shall be governed by the Texas Rules of Civil Procedure and Tarrant County Local Rules. If all parties/attorneys desire a different trial setting, an agreed scheduling order with the new trial date contained therein shall be submitted to the Court within fourteen days.

September 12, 2022	An Agreed Scheduling Order shall be submitted by this date.
July 7, 2023 by noon	Each party shall file with the clerk of the court an exhibit list, witness list, motions in limine, and a proposed charge of the court or proposed findings of fact/conclusions of law. A courtesy copy of the proposed charge should also be sent in Word format via e-mail to jmgrimsley@tarrantcounty.com .
July 13, 2023 at 2:30 p.m.	The Court will conduct a pretrial hearing on this date and time with the parties.
July 17, 2023	This case is set for trial during the week of July 17, 2023.

Signed on this 29th day of August, 2022.



EMAILED


Visiting Judge R.H. Wallace, Judge Presiding

From: Pamela J. Maples
To: TEXAS@LEDGERLAW.COM; SBRUCE@COBBMARTINEZ.COM
Subject: 017-334603-22-***ORD SET TRIAL WK OF 7/17/23
Date: Monday, August 29, 2022 3:02:00 PM
Attachments: 01733460322000011.PDF

Pamela Maples

Administrative Court Clerk 17th Judicial Court
Tarrant County District Clerk
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